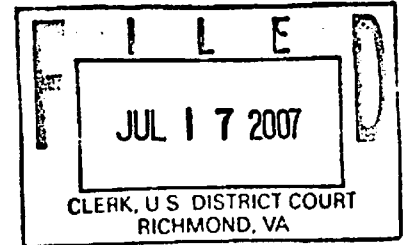


IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF VIRGINIA  
Richmond Division



VIRGINIA ELECTRIC AND  
POWER COMPANY,

Plaintiff,

v.

Civil Action No. 3:07cv224

BROE GROWTH CAPITAL LLC,

Defendant.

**ORDER**

By Order entered herein on May 29, 2007 (Docket No. 13), Defendant's 12(b)(6) Partial Motion To Dismiss (Docket No. 5) was referred to Magistrate Judge M. Hannah Lauck for report and recommendation. Having reviewed the Report And Recommendation (Docket No. 19) entered herein on June 26, 2007, and there being no timely filed objections thereto, and having considered the record and the Report And Recommendation and finding no error therein under the standard articulated in Bell Atlantic Corp. V. Twombly, 127 S. Ct. 1955 (2007), it is hereby ORDERED that the Report And Recommendation is ADOPTED on the basis of the reasoning of the Report And Recommendation as construed in light of the decision in Bell Atlantic Corp.

It is further ORDERED that Defendant's 12(b)(6) Partial Motion To Dismiss (Docket No. 5) is denied.

The issues are adequately addressed by the briefs and oral argument would not materially aid the decisional process.

It is so ORDERED.

\_\_\_\_\_/s/ REP  
Robert E. Payne  
Senior United States District Judge

Richmond, Virginia  
Date: July 17, 2007